Docket No.: 27611/38545A
(PATENT-- FEE)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Anil Gulati

Application No.: 10/659,579 Confirmation No.: 4671

Filed: September 10, 2003 Art Unit: 1617

For: METHOD AND COMPOSITION FOR TREATING ALZHEIMER'S DISEASE AND DEMENTIAS OF VASCULAR ORIGIN

Examiner: Abigail Manda Cotton

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated November 20, 2006, applicant hereby elects, with traverse, the invention represented by the claims of examiner's Group III, namely, claims 1-2 (in part), 4 (in part), 7, and 9-25 (in part), drawn to a method of treating Alzheimer's disease or a dementia of vascular origin with a mixed ET_A/ET_B endothelin antagonist, such as those listed in Appendix B of the specification, classified in class 514, subclass 256, for example.

It is submitted, however, that all claims 1-25, i.e., examiner's Groups I through IV, should be examined at this time. The novelty of the invention is a method of treating Alzheimer's disease or a dementia of vascular origin using any endothelin antagonist. The effect is not limited to a particular endothelin antagonist.

The endothelin antagonists set forth in the claims are so closely related that a search for applicants' elected species (identified below) would necessarily encompass a search for the nonelected endothelin antagonists.

In addition, even if the inventions are considered independent, there is no evidence that a search and examination directed to endothelin antagonists in general would be a *serious burden* on the examiner, as is required by M.P.E.P. §803. ("If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." and "There must be a serious burden on the examiner if restriction is not required.") This is especially applicable in the instant application wherein *all* of claims 1-25 are classified in class 514.

In particular, it is submitted that a complete search directed to the subject matter of the elected species of examiner's Group III would require a search directed to the subject matter of Groups I, II, and IV and the nonelected species of Group III, and vice versa.

Because search and examination of the entire Groups I through IV can be made without serious burden on the examiner, it would be wasteful of the time, effort, and resources of both the applicants and the Patent Office to prosecute different endothelin antagonists in separate applications. Search and examination of all species in Groups I-IV in a single application would be much more efficient than requiring the Patent Office to prosecute individual species in separate applications. Search and examination of all species in Groups I-IV in a single application would be much more efficient than requiring the Patent Office and applicants to do so in separate applications. Accordingly, it is submitted that all species of endothelin antagonist should be examined at this time.

The Office Action also requires the election of:

(1) a single disclosed species of endothelin antagonist;

(2) a single disclosed species of second therapeutic agent; and

(3) a single disclosed species of disease.

In response, applicants elect the following disclosed species, with traverse:

(1) endothelin antagonist – bosentan, i.e., compound 46 of Appendix B at page 46 of the specification;

(2) second therapeutic agent – a cholinesterase inhibitor, specifically tacrine; and

(3) disease- Alzheimer's disease.

Claims readable on these elected species are claims 1, 4, 7, 9, 13-15, and 19-25.

Reconsideration and withdrawal of the restriction requirement are respectfully requested. An early action on the merits is solicited.

Dated: March 15, 2007

Respectfully submitted,

By _____

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